



Paper No. 3

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DEC 03 2001

OFFICE OF PETITIONS

**DECISION GRANTING STATUS
UNDER 37 CFR 1.47(a)**

In re Application of
Timothy P. O'Hagan
Application No. 09/933,500
Filed: August 20, 2001
For: Portable Data Collection Network with
Telephone and Voice Mail Capability

This is a decision in response to the petition under 37 CFR 1.47(a), filed August 20, 2001 and which is a copy of the petition filed in application No. 08/867,076.

The petition under 37 CFR 1.47(a) is Granted.

The above-identified application was filed on August 20, 2001 as a divisional of Application No. 08/867,076, and with a copy of the declaration, and the petition under 37 CFR 1.47 from prior Application No. 08/867,076. Application No. 08/867,076 and the petition under 1.47 filed December 29, 1997 (certificate of mailing December 23, 1997) in that application was only recently received in the Office of Petitions. The petition has been granted and application no. 08/867,076 accorded rule 47 status.

37 CFR 1.63(d)(1) states, in part:

A newly executed oath or declaration is not required under § 1.51(b) (2) and § 1.53(f) in a continuation or divisional application, provided that:

- (I) The prior nonprovisional application contained an oath or declaration as prescribed by paragraphs (a) through (c) of this section;
- (ii) The continuation or divisional application was filed by all or by fewer than all of the inventors named in the prior application;
- (iii) The specification and drawings filed in the continuation or divisional application contain no matter that would have been new matter in the prior application; and
- (iv) A copy of the executed oath or declaration filed in the prior application, showing the signature or an indication, showing the signature or an indication thereon that it was signed, is submitted for the continuation or divisional application.

(3) Where the executed oath or declaration of which is a copy is submitted for a continuation or divisional application was originally filed in a prior application accorded status under 37 CFR 1.47, the copy of the executed oath or declaration for such prior application must be accompanied by:

(I) A copy of the decision granting a petition to accord § 1.47 status to the prior application, unless all inventors or legal representatives have filed an oath or declaration to join in an application accorded status under § 1.47 of which the continuation or divisional application claims a benefit under 35 U.S.C. 120, 121, or 365(c); and

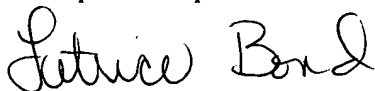
(II) If one or more inventor(s) or legal representatives(s) who refused to join in the prior application or could not be found or reached has subsequently joined in the prior application or another application of which the continuation or divisional application claims a benefit under 35 U.S.C. 120, 121, or 365(c), a copy of the subsequently executed oath(s) or declarations(s) filed by the inventor or legal representative to join in the application.

Where status under 37 CFR 1.47 is granted in a first application and the non-signing inventor does not later join in the filing by executing an oath or declaration for the application, and another application (a child application) is later filed claiming the benefit of the filing date of the first application and using the declaration of the prior application, status under 37 CFR 1.47 continues to exist in the child application. In the instant case, the prior application, of which the instant application claims priority benefits under 35 U.S.C. 120, has been accorded 37 CFR 1.47 status.

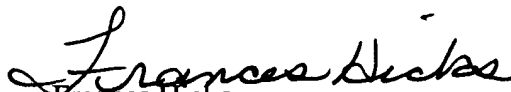
The above-identified application and papers are now in compliance with 37 CFR 1.47(a). The instant application is hereby accorded Rule 1.47(a) status. A copy of the decision from the prior application will be placed in the instant application. As provided in Rule 1.47(c), no notice of this application's filing will be published in the Official Gazette since notice regarding the filing of the prior application was given to the nonsigning inventor.

The application is being forwarded to the Office of Initial Patent Examination for further processing.

Telephone inquiries concerning this decision may be directed to Latrice Bond at (703) 308-6911.



Latrice Bond
Paralegal Specialist
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy



Frances Hicks
Lead Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy



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Paper No. 17

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DEC 03 2001

OFFICE OF PETITIONS

In re Application of
Timothy P. O'Hagan et al.
Application No. 08/867,076
Filed: June 2, 1997
For: Portable Data Collection Network with
Telephone and Voice Mail Capability

:
:
: DECISION GRANTING STATUS
: UNDER 37 CFR 1.47(a)
:

This is a decision in response to the status inquiry filed December 8, 1997 and subsequent petition under 37 CFR 1.47(a), filed December 29, 1997 (certificate of mailing December 23, 1997). The petition was only recently received in the Office of Petitions for consideration. The Office of Petitions apologizes for the delay and regrets any inconvenience to petitioner.

The petition under 37 CFR 1.47(a) is **granted**.

Petitioner has shown that the nonsigning inventor has refused to join in the filing of the above-identified application.

As provided in Rule 1.47(a), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

In order to render the filing of the Notice of Appeal timely, Petitioner's deposit account will be charged \$110 for a one month extension of time.

The file will be forwarded to Technology Center AU 2684 for further examination.

Telephone inquiries regarding this decision should be directed to Latrice Bond at (703) 308-6911.

Latrice Bond
Paralegal Specialist
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

Frances Hicks
Lead Petitions Examiner
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OFFICE OF PETITIONS

In re Application of
Timothy P. O'Hagan and Ynjium P. Wang
Application No. 08/867,076
Filed: June 2, 1997
For: Portable Data Collection Network with Telephone and Voice Mail Capability

Dear Mr. Wang:

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 118 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any patent thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to Latrice Bond at (703) 308-6911. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-6911. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1 (800) 972-6382 (outside the Washington D.C. area).

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cc: Mark D. Saralino
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